

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

**BIOPOLYMER ENGINEERING, INC.,
d/b/a BIOTHERA, a Minnesota
corporation,**

Civil No. 05-536 (JNE / SRN)

Plaintiff,

ORDER

v.

**IMMUNOCORP, a California corporation,
and BIOTEC PHARMACON ASA, a
Norwegian corporation,**

Defendants.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated January 5, 2007. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein,

IT IS HEREBY ORDERED that:

1. Defendants' motion to dismiss (Docket No. 118) is DENIED;
2. Defendants' motion to dismiss (Docket No. 118) is converted into a motion for summary judgment;
3. Plaintiff shall file a memorandum in response to the motion for summary judgment within 30 days of the close of discovery on this issue, that is, by March 5, 2007;
4. Defendants may file a reply memorandum, limited to a maximum of five pages, within seven days of the filing of Plaintiff's response.

DATED: January 23, 2007.

s/ Joan N. Erickson

Judge Joan N. Erickson

United States District Court Judge